

Jan 11-9-07

AUSA Christopher R. McFadden 312-353-1931

JWMS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

07CR 740

CRIMINAL COMPLAINT

GUADALUPE RAUL MARTINEZ

CASE NUMBER:

MAGISTRATE JUDGE VALDEZ

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief. On or about October 11, 2007, at Cook County, Illinois, in the Northern District of Illinois, Eastern Division, GUADALUPE RAUL MARTINEZ, defendant herein,

being an alien, who previously had been deported and removed from the United States on or about October 23, 1997 and June 28, 2006, was present and found in the United States without previously having obtained the express consent of the United States Attorney General, and at any time after February 28, 2003, from the Secretary of the Department of Homeland Security, for reapplication by defendant for admission into the United States;

in violation of Title 8, United States Code, Sections 1326(a); and Title 6, United States Code, Section 202(4). I further state that I am a Special Agent with the Bureau of Immigration and Customs Enforcement ("ICE") and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.



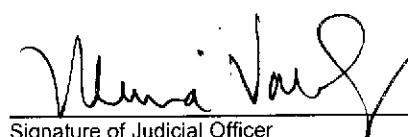
Signature of Complainant
BRANDON BEWICK
Special Agent, U.S. Immigration and Customs Enforcement
DEPORTATION OFFICER

Sworn to before me and subscribed in my presence,

November 8, 2007
Date

at Chicago, Illinois
City and State

Maria Valdez, U.S. Magistrate Judge
Name & Title of Judicial Officer



Signature of Judicial Officer

FILED

NOV 09 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT)
)
)
NORTHERN DISTRICT OF ILLINOIS)

AFFIDAVIT

I, BRANDON BEWICK, being duly sworn, state as follows:

1. I am a Deportation Officer with the United States Bureau of Immigration and Customs Enforcement (“ICE”), and have been so employed for five years. I am currently assigned to the Detention and Removal unit. My duties involve assisting with the apprehension, processing, removal and deportation of individuals from the United States after they have been ordered to be deported and removed. I have received training concerning immigration-related laws, policies, and procedures, including those related to the reentry of previously deported aliens.

2. This affidavit is submitted in support of a criminal complaint alleging that Guadalupe Raul Martinez (hereinafter “MARTINEZ”) has violated 8 U.S.C. § 1326(a), and 6 U.S.C. § 202(4), Reentry of Removed Alien, by being present and found in the United States after having been deported. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging MARTINEZ with illegal reentry, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that MARTINEZ committed the offense stated in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents and officers and by others persons identified in this affidavit, and my review of records maintained by ICE, other components of the Department of Homeland Security ("DHS"), and other government agencies.

4. According to DHS records, maintained in the immigration file assigned to MARTINEZ (A# 026-741-091) (hereinafter "A-File"), MARTINEZ is a native and citizen of Mexico and has no claim to United States citizenship or lawful residence. DHS records reflect that MARTINEZ was born in Mexico on or about July 13, 1973 and last entered the United States either at or near El Paso, Texas, or at or near Nogales, Arizona, in or about September 2007 without being inspected, or admitted after inspection by, an officer of Immigration and Customs Enforcement.

5. DHS records reflect that MARTINEZ was deported and removed to Mexico on or about October 23, 1997, through the El Paso, Texas Port of Entry.

6. DHS records also reflect that on or about June 28, 2006, MARTINEZ was deported and removed from the United States to Mexico, through the Laredo, Texas Port of Entry.

7. I have reviewed the A-File for MARTINEZ, and there is no evidence that the defendant applied for permission of the Attorney General or Secretary of Homeland Security to re-enter the United States, and no evidence that the Attorney General or Secretary of Homeland Security granted the defendant permission to re-enter the United States.

8. On or about October 11, 2007, law enforcement officers at the Cook County Jail in Chicago, Illinois encountered MARTINEZ. After discovering that MARTINEZ is an alien, he was presented to ICE law enforcement officers.

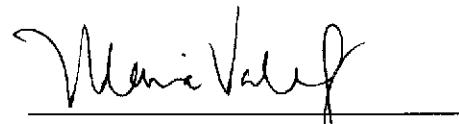
9. I have compared the photograph taken of MARTINEZ on October 11, 2007 to the photographs taken from MARTINEZ's prior deportations, along with other photographs in MARTINEZ's A-File, and determined that the photographs are of the same individual.

FURTHER AFFIANT SAYETH NOT.



BRANDON BEWICK
Special Agent, Bureau of
~~Deportation Office~~
Immigration and Customs
Enforcement

SUBSCRIBED AND SWORN to before me on November 9, 2007.



MARIA VALDEZ
United States Magistrate Judge